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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,265	07/06/2001	Kazuhiro Yabuta	JP920000193US1	7588
36736	7590	05/10/2005	EXAMINER	
DUKE W. YEE YEE & ASSOCIATES, P.C. P.O. BOX 802333 DALLAS, TX 75380			FADOK, MARK A	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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09/90265

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20050510

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Commissioner for Patents

Per applicant's request in teleconference between applicant and the examiner dated 28 March 2005, enclosed please find a corrected copy of the office action indicating the rejection under USC 103. Since the examiner has already provided this information telephonically, it is not considered to warrant a restart of time for the following reasons. 1) the applicant received the action 1/28/2005 and could have notified the examiner at that time, and 2) the examiner feels the rejection was clearly articulated as a USC 103 rejection under Tobita in view of official notice.

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DETAILED ACTION

Response to Election

The examiner is in receipt of applicant's response to office action dated 9/28/2004. Acknowledgment is made to the election of Group II, claims 6-9 and the withdrawal of claims 1-5 and 10-12 with out traverse.

Examiner's Note

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tobita (6,694,133), in view of Official Notice.

In regards to claim 6, Tobita discloses a commodity purchasing method through a network, comprising the steps of: receiving a connection request sent from a computer and a connection request sent from a cellular phone which includes an identifier corresponding to an identification code of said cellular phone (Fig 1, col 1, lines 15-20);

determining whether said identifier is included or not (Fig 10);

storing said identifier and user status information associated with said identifier in a database contained in a unit for receiving said connection request (Fig 12); and

Tobita teaches sending different information based on the capabilities of the particular receiving device and determining the delivery method based on an identifier and directing the information in an Http format to an internet service provider (see summary), but does not specifically mention that a different session control is used if no identifier is received. It was old and well known in the art to receive purchase requests though the Internet without the use of an identifier. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include using the system of Tobita to include different session control for those computers without an identifier, because Tobita is capable of being connected to the internet and performing functions such as are accomplished by conventional computer connections and assures that information is provided according to the separate storage and display capabilities of the

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receiving device (col 1, lines 14-20 and summary). Tobita would be motivated to include providing information to conventional computers, since this would increase the sales of the Information Provider by identifying the increased capabilities of those that do not come from server 2 (Fig 1) as being from a conventional computer and providing the information in a manner commensurate with the capabilities of the conventional computer thus maximizing the efficiency of the displayed information (col 4, lines 33-67).

In regards to claim 7, Tobita teaches wherein said step of executing different session control comprises using history information communicated between said system and said computer if it is determined that said identifier is not included, or using said identifier and said user status information if it is determined that said identifier is included (see response to claim 1).

In regards to claim 8, Tobita teaches wherein said network comprises a first network for communicating with said computer and a second network for communicating with said cellular phone and said method further comprises a step of sending the connection request from said cellular phone through said second network (Fig 1).

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In regards to claim 9, Tobita teaches the step of adding said identifier corresponding to said identification code to said connection request sent from said cellular phone (col 13, lines 1-67).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-4252**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

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P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306

[Official communications; including

After Final communications labeled

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"Box AF"]

(703) 746-7206 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 7th floor receptionist.

A handwritten signature in black ink, appearing to read 'Mark Fadok', with a long horizontal flourish extending to the right.

Mark Fadok

Patent Examiner